

23 56. (new) The system of Claim 53 wherein said data processor further comprises at least  
two microprocessors, each microprocessor being connected to receive a digital signal  
corresponding to the vibration and being configured to operate on the digital signal  
independently of and simultaneously with operation of the other processor on a digital  
signal corresponding to vibration.  
35 C 60

#### REMARKS

Claims 1 and 31-49 are presently pending in the application. All claims were rejected by the Office Action. By this Amendment, Claims 1, 31, 33 and 34 have been canceled and Claims 32, 35, 38-42 have been amended and Claims 50-56 have been added. Reconsideration and favorable action is respectfully requested.

Claim 1 was rejected under 35 USC§103. This claim has now been cancelled without prejudice and the rejection is now moot.

Claims 1 and 31-39 were rejected under the judicially created Doctrine of Double Patenting. The Examiner is thanked for his note concerning a terminal disclaimer and an appropriate terminal disclaimer has been filed with this Amendment. Therefore, it is respectfully submitted that the double patenting rejection has been overcome with respect to all pending claims.

The Applicant has filed a Supplemental Information Disclosure Statement with additional information that might be relevant. However, it should be understood that this information is being filed out of an abundance of caution and there is no admission or representation on the part of applicant that any of the materials are "material" as that term is used in the Patent Office rules.

With regard to these materials, it should be noted that the PL302 manufactured by Diagnostic Instruments advertises that it includes a destructive zoom feature. This disclosure would be relevant to defendant claims 35, 37, 46, 54 and 55. Diagnostic Instruments and Entek IRD have both asserted that the PL302 was sold in the United States more than one year before the priority date of the application, and DI has asserted that destructive zoom is like true zoom set forth in the aforementioned dependent claims. For present purposes, these assertions are assumed to be true. The 2115 brochure discloses an instrument similar to that of Canada patent

4,520,674 and it is in many ways redundant of other prior art of record. In litigation, the 2110 DSP was held to infringe the '674 patent and the DSP of the 2110 DSP was held to be equivalent to the math processor of the '674 patent. The DSP in the 2110 DSP performed math calculations for the CPU, like a math co-processor according to the jury and the CAFC. The 2115's DSP functions like the 2110 DSP in regards to matters relevant to the claims of this application. The 2115 does not include, disclose or suggest (1) a DSP generating a graphical representation of the frequency spectrum and transferring data including the frequency spectrum and the graphical representation from the DSP through a DMA to memory, as in Claim 32; or (2) first and second DSP's for independently and simultaneously operating on the digital signals, as in Claim 51 or (3) two microprocessors independently and simultaneously operating on digital signals representing vibration as in Claim 56. It is believed that all of the pending claims remain allowable over the known prior art. In view of the foregoing, it is believed that the application is now in condition for full allowance and such action is respectfully requested.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By: 

Andrew S. Neely  
Registration No. 28,929

ASN:cmw  
P.O. Box 1871  
Knoxville, Tennessee 37901  
(423) 546-4305  
48545c1am.316

\* \* \*CERTIFICATE OF MAILING\* \* \*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

on April 9, 1998  
Date

  
Andrew S. Neely